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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,444	08/23/2001	Gary Greenfield	SRI1P037	2212

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EXAMINER

GOLBA, TARA M

ART UNIT PAPER NUMBER

3644

DATE MAILED: 11/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/938,444

Applicant(s)

GREENFIELD ET AL.

Examiner

Tara M. Golba

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/9/2002 have been fully considered but they are not persuasive.

Applicant argues that the effective date for the claims at issue is June 28, 2001, i.e. the filing date of provisional application 60/302,235, and that the effective date for the claims is therefore prior to the date of the cited NABCO reference. The applicant states that the date of the NABCO reference is August 10, 2001. However, this is an incorrect statement. The date "8/10/01" appears to be on the bottom of the NABCO reference submitted by the applicant on October 19, 2001, simply because the computer of the person printing the reference was configured to print the *current date* as a footer on the bottom of the page. The date "8/10/01" cannot be considered the date of publication of the reference because it does not even appear on the Internet document entitled "Portable EOD Total Containment Unit" by NABCO, Inc. In fact, use of the Wayback Machine ([web.archive.org](http://web.archive.org)) directs one to a NABCO site updated on April 8, 2001, and including the Portable EOD Total Containment Unit as disclosed in the NABCO reference submitted by the applicant. The NABCO reference is therefore upheld as *prior* art, and the examiner's rejections as presented in the Office Action of June 4, 2002, are therefore maintained. The applicant has presented no further arguments regarding the examiner's rejections.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-14, 16, and 18 rejected under 35 U.S.C. 102(a) as being anticipated by  
“Portable EOD Total Containment Unit”, NABCO, Inc. (<http://www.nabcoinc.com/eod/html>).

In reference to claim 1, NABCO discloses a container for an explosive device comprising an outer containment vessel (Fig. b) with an outer access port; an inner containment vessel within the outer vessel (Fig. a) with an inner access port; a means for suspending the explosive device within said inner containment vessel (foam liner); and a means for rotating at least one vessel with respect to the other (lever arm) wherein the inner and outer access port can be rotated so as to be aligned.

In reference to claim 2, NABCO discloses the claimed invention wherein the outer surface of the inner containment vessel is contoured to the inner surface of the outer containment vessel with a small clearance therebetween (Fig. a).

In reference to claims 3 and 4, NABCO discloses the claimed invention wherein a filler material is inserted into the clearance and this filler material (foam) is flame retardant.

In reference to claim 5, NABCO discloses the claimed invention wherein the outer containment vessel comprises a central portion and an end dome wherein the end dome is removably secured to the central portion.

In reference to claim 6, NABCO discloses the claimed invention wherein the outer access port contains a cover. Note that when the inner vessel is rotated so that the ports are not aligned, the inner vessel acts as a cover for the outer access port as shown in Fig (b).

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In reference to claim 7, NABCO discloses the claimed invention wherein the cover is flame retardant. Since the device is meant to contain explosives, it is interpreted that the inner and outer vessels are made from material which can "handle up to three pounds of explosives" or in other words is flame retardant.

In reference to claims 8-10, NABCO discloses the claimed invention wherein the inner vessel further comprises a lining material (foam). It is interpreted that the foam lines the inner and outer vessel. Further, the lining as well as the device is made to support an explosive device in the center of the vessel and the lining is flame retardant.

In reference to claims 11 and 12, NABCO discloses the claimed invention wherein the outer containment vessel is spherical (Fig. (a), horizontal operation) and wherein the outer containment vessel is cylindrical (Fig. (b), vertical operation).

In reference to claim 13, NABCO discloses the claimed invention wherein the rotating means comprises a lever arm attached to the inner containment vessel wherein the lever causes the vessel to rotate from a position wherein the inner port is aligned with the outer port to a position wherein the inner port has been rotated from about 90 to 180 degrees (Fig. (a) and (b), open and closed position).

In reference to claim 14, NABCO discloses the claimed invention wherein the rotating means is activated remotely.

In reference to claim 16, NABCO discloses the claimed invention further comprising a sealing means provided between the outer containment vessel and the inner containment vessel (O-ring seal).

In reference to claim 18, NABCO discloses a method of suppressing blast effects comprising the steps of inserting the explosive device into a blast container with inner and outer containment vessels, and engaging the rotating means wherein the access ports of the inner vessel are rotated 90 to 180 degrees.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over NABCO.

In reference to claim 15, NABCO discloses the claimed invention but does not expressly disclose the use of a motorized mechanical drive system. However, it is noted that although not specifically disclosed, any type of rotating means which works with the lever may be used as a means for rotation. A motorized mechanical drive system is a conventional system and may be substituted for the disclosed system.

6. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over NABCO in view of U.S. Patent No. 3,820,435 to Rogers et al.

In reference to claims 17 and 19, NABCO discloses the claimed invention except for an access valve permitting sampling post-detonation contents of the container.

Rogers et al. teaches a container for an explosive device including an access valve permitting sampling post-detonation contents of the container (column 7, lines 27-35). Rogers teaches that the access valve allows monitoring of post-detonation gases in order to determine

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whether or not the container has vented (column 7, lines 27-35). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include an access valve, as taught by Rogers et al., in the container disclosed by NABCO, to allow sampling and monitoring of post-detonation contents of the container.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara M. Golba whose telephone number is (703) 305-0266. The examiner can normally be reached on Monday-Thursday from 8:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on (703) 306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
CHARLES T. JORDAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

tmg  
November 19, 2002